

**Remarks/Arguments:**

Claims 12-14 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particular point out the distinctly claimed the subject matter which applicant regards as the intention.

Claims 12-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bator, Jr., et al., 6482541 in view of Williams, et al.

Claims 12, 15 have been replaced by new claims 21, 22 respectively.

The above grounds we addressed in the order presented by the Examiner.

**Rejection Under 35 U.S.C. 112**

Claim 12 has been rewritten as new Claim 21, and it is believed that the problem with the antecedent basis has been taken care of in that there is now clearly antecedent basis for the term "battery jar or battery jars" in the claim.

**The Claims in the Case are not Rendered Obvious by Bator, Jr., et al. in View of Williams, et al.**

A. The invention represents a new approach. The present invention, is a continuation of an earlier application which resulted in U.S. Patent No. 6,719,150 and 7,128,219, which are directed to the rack configuration. However, as explained on pages 1-4 and 10 of the specification, the battery assemblies themselves are a marked departure from prior art battery assemblies for such uninterrupted power supplies (UPS). Claims 21 and 22 are the independent claims and are directed to a battery assembly (battery jar and jacket) itself which is utilized in conjunction with the rack described and claimed in the other two patents. As explained in the specification, batteries used in racks of uninterruptible power supplies are typically a plurality of valve regulated lead acid batteries which are connected in series to define a larger system. Such batteries are typically constructed of containers (jars) made of polypropylene, which is a relatively soft material similar to that from which milk jugs are made. The jars contain the lead acid and the cell plates which form the guts or substance of the batteries. The battery jars typically have a cover which seals the cover to the open front of the jar. This seal prevents (1) escape of electrolytes and (2) entrance of air causing water in the cells to evaporate which dries out the cell. Either condition is damaging and unacceptable. Therefore, maintaining the seal

between the cover and the jar is very important to the function of the power supply. Whereas previously, the batteries described above would assembly a plurality of the polypropelene jars in a module, more lately the industry has moved towards providing the battery jars in separate jackets, which are then assembled and disassembled from the rack assembly, as a result causing less of a likelihood of damage.

The present invention, however, recognizes that a source of continuing problems still exists in the possibility of damage occurring during the emplacing and removing of the battery assemblies (jacket and jars and covers) to and from the rack. Typically, and as shown by Bator, et al., each battery jar has a cover that is sealed to the front end thereof, then the jar is slid into the protective jacket. While the cover is not attached to the jacket itself, the seal is located in the vicinity of the front edge of the jacket opening. As the battery swells during charging, the seam between the battery cover and the jar moves into close proximity, and likely into engagement with the wall of the jacket. When the jackets containing the jars are replaced or removed from the shelving, which occurs periodically, the jackets must be secured to the shelving. This occurs by attaching bolts through the ears or lugs of the jackets and into the edges of the shelving, then tightening or loosening with a torque wrench. Since the seam is likely in engagement with the jacket wall, the emplacing and/or torquing operation can result in damage to the jar/cover seam.

The present invention takes care of this problem in two ways. First of all, the ears 84, 86 project forwardly of the jacket to recess the jacket's walls behind the point of attachment of the ears to the rack. Secondly, the jar is constructed so that it is of an effective length greater than the jacket itself. Therefore, when the jar bottoms out in the jacket, the seam between the jar and the cover is positioned forwardly of the front edge of the cover. Thus, any jarring of the jacket during insertion and removal of the battery assemblies does not cause resulting jarring of the seam between the cover and jar, which can damage the battery itself as described above. This is what the invention is all about, and what has been misunderstood by the Examiner.

B. Neither Bator et al., nor Williams et al., nor the combination teaches or suggests such construction. The Bator, et al., patent is exemplary of the prior art and the problem, showing an example of the jacket construction where the seam is essentially contiguous with or behind the front edge of the jacket and likely to engage the jacket wall as the jar swells during charging. Bator et al. does not show either the forward projection of the ears 84, 96 nor the

provision of a battery jar that has an effective length greater than the corresponding length of the jacket itself. As a result of this engagement damage to the seam during emplacement or removal remains a possibility. There is simply no teaching or recognition in Bator et al. of this problem source or its solution.

The Williams, et al., patent is totally removed from this aspect in that the cover 28 referenced by the Examiner is not even connected to the urn, which would be comparable to the battery jar. Rather the cover of Williams, et al., is connected to the tube 16 itself, which would be comparable to the battery jacket or sleeve. Thus it can be seen that the Williams, et al., reference simply does not and even could not teach the limitations of the claimed invention.

Further the staggering of the ears as set forth in Claim 13, 16 and the retainer bars set forth in Claims 14, 17, the protective cover of Claim 18, and the slot and dimple pattern of Claim 20 (which provide for better ventilation) are not present in either Bator, et al., or Williams, et al.

C. The law requires all elements to be found in the prior art and all modifications to be predictable, not hindsight. It is axiomatic in the law of obviousness that the prior art (Bator, et al. and Williams, et al.) must contain the limitations of the claims. As explained above, not one, but several limitations are totally absent from either Bator, et al. or Williams, et al. or the combination of the two.

The Examiner states that the Bator, Jr., et al. reference teaches the battery rack assembly claim absent the cover of the receptacle positioned exteriorly of the open end of the receptacle (jacket). This is not technically correct. Even though Bator et al. shows a cover connected to a jar, the seam is not exposed and is not positioned exteriorly (forwardly) of the open end of the receptacle (jacket), it also does not show the ears projecting outwardly (forwardly), the ears being staggered (Claims 13, 16), or retainer bars spanning the ears of adjacent jackets, when assembled in the rack (Claims 14, 17).

Further, as far as Williams et al. is concerned, the Examiner states that Williams teaches a cover 28 that is positioned exteriorly of the receptacle for purposes of labeling contents of individual receptacles. This is not the case. First of all, labeling is of no concern at all in the present invention. Secondly, as stated above, the cover of Williams is not connected to the contents (the jar) of the receptacle at al. Rather the cover is connected to the edge of the receptacle itself, which is totally foreign to the claimed invention. Were the teaching of

Williams et al. (to connect the cover to the jacket) adopted, it would totally destroy the invention. The cover of the claimed invention must be connected to the contents (jar), and not to the jacket itself.

As a note, the bars 96, 98 of Bator, Jr., et al. are not covers at all, as they are electrical connectors which connect the negative pole of one battery to the positive pole of the next. They simply do not cover the ends of either sleeves or jars.

### Conclusion

For the reasons advanced above, it is believed that the applicant's rejection should be withdrawn, and the application passed to issuance with Claims 13, 14, 16-18, and 20-22. Such action is accordingly requested.

Respectfully submitted,



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